

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES CANTANDO,

Plaintiff,

v.

KRISTINE KARKANEN,

Defendant.

Case No. 18-cv-04733-JST

ORDER REMANDING CASE

Re: ECF No. 4

Defendant Kristine Karkanen removed this case from the Superior Court of Contra Costa County. ECF No. 1 at 2. After finding that it likely did not have subject matter jurisdiction over her claims, the Court ordered Karkanen to show cause by August 31, 2018 why the case should not be remanded for lack of federal jurisdiction no later than August 31, 2018. ECF No. 4 at 2. Karkanen's only response was to file a document on September 4, 2018, in which she did not address the Court's jurisdiction, but instead requested that the Court either dismiss the case or transfer it to the Northern District of Texas. ECF No. 7. Accordingly, the Court will remand this matter to state court.

"[A]ny civil action brought in a [s]tate court of which the district courts of the United States have original jurisdiction, may be removed by [a] defendant . . . to [a federal] district court" 28 U.S.C. § 1441(a). If the district court determines that it lacks jurisdiction, the action must be remanded back to the state court. *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 134 (2005). "Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." *Gaus v. Miles*, 980 F.2d 564, 566 (9th Cir. 1992) (citation omitted). "The 'strong presumption' against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper." *Id.* (citation omitted). The court "resolves all ambiguity in

1 favor of remand to state court.” *Hunter v. Phillip Morris USA*, 582 F.3d 1039, 1042 (9th Cir.
2 2009) (citation omitted).

3 Here, Karkanen has not met her burden of showing that federal jurisdiction exists. This
4 action is hereby REMANDED to Contra Costa County Superior Court. Having determined that it
5 has no jurisdiction, the Court will not address Karkanen’s September 4, 2018 motion for dismissal
6 or transfer of the case. ECF No. 7.

7 **IT IS SO ORDERED.**

8 Dated: September 6, 2018


JON S. TIGAR
United States District Judge